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1222-AC12299 - JOHN ELSTON V GENERAL REVENUE CORPORATION (E-CASE)

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09/06/2012 Hearing Scheduled  
Scheduled For: 11/01/2012; 9:30 AM ; CALEA STOVALL-REID; City of St. Louis  
Hearing Continued/Rescheduled  
Hearing Continued From: 09/13/2012; 9:30 AM Hearing

08/20/2012 Summons Issued-Associate  
Document ID: 12-ADSM-10157, for GENERAL REVENUE CORPORATION.

08/01/2012 Hearing Scheduled  
Associated Entries: 09/06/2012 - Hearing Continued/Rescheduled  
Scheduled For: 09/13/2012; 9:30 AM ; CALEA STOVALL-REID; City of St. Louis  
Pet Filed in Associate Ct  
Motion Special Process Server  
Judge Assigned

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Released 08/06/2012

EXHIBIT A



## IN THE 22ND JUDICIAL CIRCUIT COURT OF CITY OF ST LOUIS, MISSOURI

Judge or Division: CALEA STOVALL-REID	Case Number: 1222-AC12299
Plaintiff/Petitioner: JOHN ELSTON	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. 1 North Taylor St Louis, MO 63108
Defendant/Respondent: GENERAL REVENUE CORPORATION	Date, Time and Location of Court Appearance: 13-SEP-2012, 09:30 AM Division 27 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: AC Other Tort	(Date File Stamp)

## Associate Division Summons

The State of Missouri to: GENERAL REVENUE CORPORATION Alias: CT CORPORATION SYSTEM 120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	SPECIAL PROCESS SERVER
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You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

**COURT SEAL OF**  
  
**CITY OF ST LOUIS**

**August 20, 2012**  
Date

*M. Jane Schweitzer*  
M. Jane Schweitzer  
Circuit Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than thirty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT  
ASSOCIATE DIVISION  
FOR THE CITY OF ST. LOUIS  
STATE OF MISSOURI

**FILED**  
AUG - 1 2012  
22<sup>ND</sup> JUDICIAL CIRCUIT  
CIRCUIT CLERK'S OFFICE  
BY                      DEPUTY

JOHN ELSTON

Plaintiff,

v.

GENERAL REVENUE CORPORATION

Serve at:

CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Defendant.

CASE NO. 1222-AC12299

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, John Elston, and for his Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the TCPA claim under 47 USC 227 (3)(b). Venue is appropriate in this Court because Defendant placed prohibited telephone calls to Plaintiff at Plaintiff's cellular phone located in the City of St. Louis, Missouri.

PARTIES

3. Plaintiff is a natural person currently residing in the City of St. Louis, Missouri.  
4. Plaintiff maintains and pays monthly charges for a personal cellular telephone with a telephone number ending with 2276.

5. Defendant is a foreign corporation registered to do business in Missouri, with its principal place of business located in Horseheads, New York.

**FACTS**

6. Beginning on or about May 2012, Defendant has called Plaintiff repeatedly, leaving a voice message each time. Defendant has made at least ten calls thus far.

7. All of Defendant's calls were made to Plaintiff's cellular phone, and he was charged for those calls.

8. Defendant's messages were pre-recorded. They begin in the form of a robotic voice and end with a female voice.

9. Defendant's messages state that they are meant for "Kimberly Carter".

10. Plaintiff is not related by blood or marriage to "Kimberly Carter", and she is not a member of Plaintiff's household.

11. All calls Defendant made to Plaintiff were from Defendant's automatic telephone dialing system, as defined by 47 USC 227(a)(1).

12. Defendant's automatic telephone dialing system has the capacity to store, generate, and call telephone numbers and that system does in fact store and dial Plaintiff's cellular phone number.

13. Defendant knows or should know that it is calling Plaintiff on his cell phone.

14. Plaintiff never provided consent to Defendant to be contacted on his cell phone by Defendant's autodialer.

15. Defendant's above described conduct caused Plaintiff to suffer distress and anxiety and caused Plaintiff to suffer monetary loss in at least the amount of his cellular charges.

**COUNT I: VIOLATION OF THE TCPA**

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 *et. seq.*, including, but not limited to, the following:

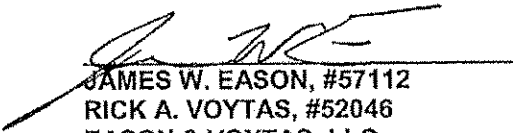
a. By placing many non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of Plaintiff. 47 USC 227(b)(1)(A)(iii).

WHEREFORE, Plaintiffs respectfully requests that judgment be entered against

Defendant for:

- A. Actual damages;
- B. Statutory damages pursuant to 47 USC (b)(3); and
- C. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC



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